

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**ROBERT V. TOWNES IV, individually
and on Behalf of All Others Similarly
Situated,**

Plaintiff,

V.

TRANSUNION LLC and TRUELINK, INC.,

Defendants.

Case No. 04-1488 (JJF)
Putative Class Action

**UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED ANSWER TO
COMPLAINT**

Defendants, Trans Union, LLC (“Trans Union”) and TrueLink, Inc. (“TrueLink”), by their attorneys, respectfully move this Court, pursuant to Federal Rule of Civil Procedure 15(a), for an order granting them leave to file their Amended Answer To Complaint “Amended Answer,” a copy of which is attached hereto as Exhibit A. In support of this Motion, defendants state as follows:

1. On December 1, 2004, plaintiff filed his Complaint against Defendants. In the Complaint, plaintiff alleges claims for violation of the Credit Repair Organizations Act, 15 U.S.C. § 1679 et seq. (“CROA”) and unjust enrichment. Both defendants were served on December 1, 2004.

2. Pursuant to the parties' Stipulation, the time for defendants to file their responsive pleading was extended until January 21, 2005. On that date, defendants filed their Answer To Complaint.

3. Since the filing of defendants' Answer, there has been little progress in this case. On March 10, 2005, plaintiff filed a Motion For Appointment of Interim Counsel, to which Defendants responded on March 24, 2005.

4. Plaintiff has recently initiated discovery by serving defendants with discovery requests, and a Rule 26(f) conference was held between counsel on July 21, 2005. As of the date of filing this Motion, no formal discovery schedule or other order for case management has been entered in this case. There has been no appearance of counsel before the Court, and the Court has set no deadline for amendment of the pleadings.

5. Counsel for defendants recently learned of an inadvertent error in the Answer previously filed on behalf of Trans Union and TrueLink. This error concerns a single paragraph of the Complaint, Paragraph 9, which defense counsel mistakenly admitted, without proper clarifications of certain of the allegations, on behalf of the defendants. Defendants now seek leave to file an Amended Answer, in the form attached hereto as Exhibit A, for the sole purpose of correcting this error.¹

6. Leave to amend pleadings should be "freely given when justice so requires," Fed. R. Civ. Pro. 15(a). Defendants should be granted leave to amend their Answer in order to facilitate a decision on the merits rather than the technicalities of pleading, and fulfill the requirements of justice.

7. Plaintiff would not be prejudiced by the amendment of defendants' Answer, nor would the proposed amendment affect any court-imposed schedule for the progress or efficient management of this action.

¹ Pursuant to Local Rule 15.1, a blacklined version of the proposed Amended Answer, showing the text to be deleted and added, is attached hereto as Exhibit B.

8. Counsel for defendants have conferred with plaintiff's counsel pursuant to Local Rule 7.1.1, and plaintiff's counsel has indicated that they have no objection to this Motion or the defendants' filing of the proposed Amended Answer.

9. Neither Trans Union nor TrueLink has previously sought leave to amend their Answer in this action.

WHEREFORE, Defendants Trans Union LLC and TrueLink, Inc. respectfully request that this Honorable Court grant them leave to file their Amended Answer To Complaint, a copy of which is attached hereto as Exhibit A.

Dated: August 11, 2005

MORRIS, NICHOLS, ARSHT & TUNNELL



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478425

CERTIFICATE OF SERVICE

I, Erika Y. Tross, hereby certify that on August 11th, 2005 I electronically filed a **Unopposed Motion For Leave To File Amended Answer To Complaint**, with the Clerk of Court using CM/ECF, which will send notification of such filing(s) to the following:

Seth D. Rigrodsky
Ralph N. Sianni
Brian D. Long
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I also certify that copies were caused to be served on August 11th, 2005 upon the following in the manner indicated:

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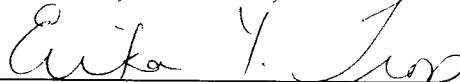
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August 11, 2005